IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1053 OF 2006

SAQUIB ABDUL HAMID NACHAN ... PETITIONER.

VS.

THE STATE OF MAHARASHTRA ... RESPONDENTS.

MR. MUBIN SOLKAR, ADV.APPOINTED FOR THE PETITIONER.

DR. F.R.SHAIKH, APP FOR THE STATE.

CORAM : R.M.S.KHANDEPARKAR & A.A.SAYED,JJ.

DATE : November 22, 2007.

P.C.

1. The learned Counsel appearing for the Petitioner states that in appeal arising out of the Order passed by the Division Bench of this Court, relating to the admissibility of confessional statement in POTA Proceedings, the Apex Court has stayed the entire trial in relaltion to the matter in hand. Being so, the learned Counsel for the Petitioner fairly seeks permission to withdraw the petition with liberty to approach this Court, in case of need arising subsequent to the disposal of the Appeal, pending before the Apex Court wherein the trial has been stayed.

2. We accordingly allow the petitioner to withdraw the petition with liberty to approach this Court, in case of need arising in the matter, subsequent to the disposal of the said appeal by the Apex Court,

vacating, if any, the Order of stay granted to the trial relating to the matter in hand.

3. We make it clear that we have not expressed any opinion on any of the point in the matter. All the contentions are kept open. Petition accordingly stands disposed of as withdrawn.

4. In view of disposal of the writ petition itself, the Criminal Application Nos. 164/2006, 185/2006 and 307/2007 do not survive and stand disposed of accordingly.

[R.M.S.Khandeparkar,J.]

[A.A.Sayed, J.]